IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.2350 OF 2004

Nariman F.Mogrelia .. ..Petitioner
Versus
Mega Fin (I) Ltd. & Ors. .. ..Respondents

None for petitioner

Mr.Vishal Maheswar i/b M/s. Negandhi, Shah, Himayatullah for Respondent no.1

Mrs. U.V.Kejriwal, APP for State

CORAM : J.N.PATEL, J.

DATE : 23RD AUGUST, 2006.

P.C.:

1. The learned counsel for the Respondent no.1 submits that the Respondent no.1 who is the original complainant in the trial court having initiated the prosecution against the petitioner under Section 138 of the Negotiable Instruments Act, has withdrawn the complaint as settled out of Court and therefore, this petition seeking quashing of the proceeding does not survive.

2. The learned counsel further submits that he has

informed the learned counsel for the petitioner, who is not keeping well, and he has told him that he can mention the matter before the Court that the court may dismiss the petition as in fructuous. The Petition is dismissed as in fructuous.

(J.N.Patel, J.)